



WASHINGTON STATE  
DEPARTMENT OF  
**E C O L O G Y**

Draft Implementation Plan for the Revisions to  
Chapter 173-218 WAC, Underground Injection Control Program and  
Chapter 173-216 WAC, State Waste Discharge Program

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1. Describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use (RCW 34.05.328(3) (a)).
2. Describe how the Agency intends to inform and educate affected persons about the rule (RCW 34.05.328(3) (b)).
3. Describe how the Agency intends to promote and assist voluntary compliance for this rule (RCW 34.05.328(3) (c)).
4. Describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome (RCW 34.05.328(3)(d)).
5. Describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.
6. Identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.

## Implementation Plan for Revisions to Chapter 173- 218 WAC and Chapter 173-216

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**Describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use (RCW 34.05.328(3)(a)).**

In general, the Washington State Department of Ecology (Ecology) will implement and enforce the Underground Injection Control (UIC) Program revised rule in the same way the current rule is implemented and enforced. Ecology headquarters staff and the regional offices will continue to provide technical assistance through, phone and email requests and compliance inspections.

One regulatory change that will occur is, currently the NPDES Phase I stormwater discharge permit includes UIC wells. When the Phase I permits are up for renewal they will not include the UIC wells in the permit. Not all municipalities will be required to apply for a NPDES stormwater permit but both permitted and non permitted municipalities use UIC wells. To make it equitable for all municipalities Ecology will defer to the UIC Program to regulate discharges from UIC wells.

Additional resources will assist in implementing the UIC rule revision, such as;

- Clarifying the requirements of the UIC Program in the Chapter 173-218 WAC UIC Program...
- The Stormwater Management Manual for Eastern Washington (SMMEW) contains language on building, siting criteria and best management practices for UIC wells.
- Streamlining the UIC registration process by providing web based on-line registration for the majority of UIC uses.
- Revising the UIC database to make it more efficient in the upload of data.
- Adding language to the Stormwater permit fact sheets and permit correspondence stating that the UIC Program requirements must be met.

### *Clarification on the requirements*

Clarifications were added to the rule to provide the reader a better understanding of what is needed to operate a UIC well in Washington. The rule includes:

- The Class V UIC wells that are allowed and prohibited in Washington.
- Exemptions from UIC well status.
- Rule authorization requirements to operate a UIC well and how to meet them.
- Closure requirements.

To operate a UIC well in Washington the well must be rule authorized or receive a State Waste Discharge Permit to operate. Ecology believes that the majority of UIC wells will

be able to meet the rule authorization requirements. For a UIC well to be rule authorized, the well must be registered with Ecology (or Environmental Protection Agency if on Tribal Land) and has to meet the non-endangerment standard. The non-endangerment standard means a discharge will not allow contaminants to reach the ground water.

#### *UIC manuals*

A technical guidance manual for UIC wells that manage stormwater will be completed after the UIC rule is finalized. The manual will explain the tools an owner can use to meet the non-endangerment standard, such as:

- The siting criteria and pretreatment requirements for new UIC wells; and
- Prohibited discharges.

A comprehensive guidance document will be developed that will provide compliance information for the majority of, new and existing, Class V wells types. The guidance will include:

- An example of a well assessment;
- Clarifying the process for using UIC wells at independent clean up sites and meeting the Ground Water Quality Standards;
- Directions on completing a registration form;
- Briefly describing the best management practices required to meet the non-endangerment standard for UIC wells that manage stormwater;
- How to determine if an existing UIC well needs to be retrofitted; and
- The technical guidance manual for UIC wells that manage stormwater.

#### *Stormwater Management Manual for Eastern Washington (SMMEW)*

The majority of the core elements in the SMMEW are applicable to Underground Injection Control (UIC) rule-authorized wells for projects that are considered new development and redevelopment as defined in the manual. Along with the independent UIC guidance the SMMEW contains building diagrams for dry wells, design storm volume calculations for some UIC wells and source control best management practices.

#### *Other guidance*

Other Ecology guidance documents that are handed out as part of technical assistance include language on the proper use of UIC wells; such as Vehicle and Equipment Wash Water Discharge guidance and toxic waste reduction pamphlets for targeted industries (auto repair businesses).

#### *Registration*

There are two registration forms; a form for an individual site and Excel spreadsheets for an owner of many sites. Both of these forms can be found at the Ecology website.

Well owners can also receive them by contacting the Water Quality Program UIC contact at (360) 407-6143 or maha461@ecy.wa.gov. Ecology plans to provide web based registration forms for the owner to complete over the internet and stream line the registration process.

Ecology stores the registration information in the UIC database which is located at Ecology headquarters. Currently database queries can only be answered by the Water Quality UIC contact; however, Ecology plans to provide on-line, read-only access to the database so the public and interested parties can query the database for registration information.

**Describe how the Agency intends to inform and educate affected persons about the rule (RCW 34.05.328(3) (b)).**

The affected persons include the public, business owners and local and state government. To help inform and educate the affected persons, Ecology is doing the following:

Before the rule is finalized:

- Ecology's UIC website includes information on the program and rule-making process.
- Rule revision committee meeting minutes are posted on the UIC website.
- UIC wells used for stormwater management are discussed in the Stormwater Management Manual for Eastern Washington and were also discussed in the development of the Eastern Washington Model Program. Many communities, businesses and state government participated in both the manual and model program and will use the guidance to manage stormwater in their communities.
- Four informational workshops were conducted prior to the formal rule-making process. Over 800 people were notified.
- Eastern Washington stormwater manual workshops included presentations on the UIC Program and rule revision.
- A UIC rule revision advisory committee was formed. Municipalities from both sides of the state, industries, state government and consultants were members of the committee and they can pass on the information to their community and co workers.

Once the rule is adopted:

- Ecology will hold workshops for affected persons on the UIC manual.
- Ecology plans on linking UIC Program registration to the on-line Industrial Stormwater Permit Application to simplify the paper work for industries that use UIC wells.

- Ecology's UIC website will include information on the program requirements, access to the UIC database and rule revision process.
- Ecology's response letters to industrial stormwater permit applicants contain compliance information on the UIC Program.

**Describe how the Agency intends to promote and assist voluntary compliance for this rule (RCW 34.05.328(3) (c)).**

The actions mentioned above, to inform and educate affected persons on the changes, also help promote voluntary compliance. Compliance staff will be able to inform the regulated community about relevant changes during their site visits. Program staff is available to respond to stakeholder phone and e-mail queries.

A number of other activities will be useful to help promote voluntary compliance. They include the following:

- The regulations and guidance documents are available on Ecology's web site.
- Training of regional staff on regulations.
- Guidance documents are developed for particular industries, including fact and focus sheets and industry specific booklets and storm water pollution prevention plans.
- Ecology response letters to industrial stormwater permit applicants contain compliance information on the UIC Program.
- The UIC list serve may be used to pass on UIC program information and updates.

**Describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome (RCW 34.05.328(3)(d)).**

The main objectives of the revision are to:

- Incorporate the Environmental Protection Agency (EPA) revisions to the federal UIC into Chapter 173-218 WAC the state regulation.
- Clarify rule language.
- Bring consistency between the rules that regulate UIC wells.

The purpose of the UIC program is to prevent contamination from reaching ground water by regulating discharges into UIC wells. When a UIC well is registered the information on the form is reviewed to determine if the UIC well will not contaminate ground water.

Ecology will measure the following to measure outcomes:

- Increase in UIC well registrations

- Increase in technical assistance calls from public and privately entities on the use of UIC wells.
- Internal referrals from other programs in Ecology to UIC well owners.

**Describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.**

Regional staff:

- Participated in the rule revision advisory committee;
- Reviewed and commented on the UIC guidance manual;
- Presented and attended Eastern WA stormwater workshops; and
- Attended the UIC informational workshop.

Additional training at the regional offices will take place after the rule is adopted. In addition, training will target Ecology inspectors that visit sites that use UIC wells.

**Identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.**

Documents that need to be developed:

- UIC manual
- Other guidance documents that internal or external interest groups request.